

90 R 99 P 0000 13 JUL 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket No: 017309/0173

In re patent application of

Josef Otto RETTENMAIER

Serial No.: 09/380,731

Group Art Unit: 1723

Filed: September 13, 1999

Examiner: S. Kim

For: ANCILLARY FILTERING AGENT

Box: PCT

Assistant Commissioner for Patents
Washington, D.C. 20231

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17 AUG 2000

Legal Staff
International Division

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PETITION UNDER 37 C.F.R. 1.181(a)

Sir:

Applicant filed a PCT National Phase patent application on September 13, 1999 with an unexecuted Declaration and Power of Attorney. A copy of the unexecuted Declaration and Power of Attorney as well as a copy of the stamped and returned postcards are attached as Exhibit A.

Nevertheless, a Notification of Missing Requirements (PTO Form 905) was not received by this office. Rather on November 9, 1999 the U.S. Patent & Trademark Office issued a Notice of Acceptance (PTO Form 903).

On June 12, 2000 the U.S. Patent & Trademark Office issued PTO Form 90C with a due date of July 12, 2000. A response to that office action is being submitted separately to the examiner. While reviewing the file the undersigned discovered that a Notification of Missing Requirements had not been received. After a telephone conference with the PCT Help Desk, it was decided that this Petition along with the above referenced attachments and the executed Declaration and Power of Attorney (attached as Exhibit B) be submitted.

Serial No.: 09/380,731

Applicant requests that the Notice of Acceptance (PTO Form 903) issued on November 9, 1999 be vacated and a new Notice of Acceptance be issued in view of the above.

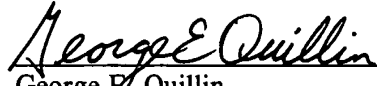
Applicant submits that the requirements of 37 C.F.R. § 1.181(a) are met, and respectfully urges the Commissioner to issue a new Notice of Acceptance. If there are any questions regarding this submission, the Patent Office is invited to contact the undersigned attorney of record at the telephone number set forth below.

It is believed that no fees required. If any additional fees and/or extension(s) of time are required for the filing of this paper, applicants expressly petition for such extension(s) and authorize the Commissioner to charge any further fees to Deposit Account 19-0741.

Respectfully submitted,

July 12, 2000

Date


George E. Quillin
Registration No. 32,792

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Telephone: (202) 672-5300
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FOLEY & LARDNER

September 13, 1999

FILE IN DESIGNATED U.S. PCT RECEIVING OFFICE

017309/0173

The "Received" stamp of the U.S. Patent & Trademark Office hereon acknowledges receipt of the accompanying national Patent Application of Josef Otto RETTENMAIRER

for ANCILLARY FILTERING AGENT

Including: **FILED UNDER 37 CFR 1.494(c)(2)
Transmittal Letter Concerning A Filing Under 35 U.S.C. 371
15 pages of spec.; 35 Claims; 0 shts. dwgs; ** Declaration; Assignment, and

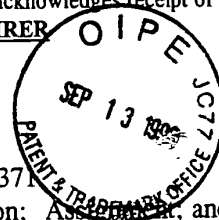
* Other: Preliminary Amendment

Check for \$1,110.00 # 071920

Due: September 13, 1999 Return to: GEO:cr:fws

NFF

* Article 34 Amendments with Replacements Sheets 4-10 and 15-19
and Verification of Translation



FOLEY & LARDNER

September 13, 1999

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* Article 34 Amendments with Replacement Sheets 4-10 and 15-19,
and Verification of Translation

09/380731 ✓

430 Rec'd PCT/PTO 13 SEP 1999

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DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ANCILLARY FILTERING AGENT

the specification of which is attached hereto unless the following box is checked:

☒ was filed on March 4, 1998 as United States Application Number or PCT International Application Number PCT/DE98/00630 and was amended on September 13, 1999 (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

| NUMBER | COUNTRY | DAY/MONTH/YEAR FILED | PRIORITY CLAIMED |
|-------------------|------------------------------------|----------------------|------------------|
| <u>19710315.4</u> | <u>Federal Republic of Germany</u> | <u>13/MARCH/1997</u> | <u>YES</u> |
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I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

| APPLICATION NO. | FILING DATE |
|-----------------|-------------|
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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is known by me to be material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

| APPLICATION SERIAL NO. | FILING DATE | STATUS: PATENTED, PENDING, ABANDONED |
|------------------------|-------------|--------------------------------------|
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I hereby appoint as my attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Stephen A. Bent, Reg. No. 29,768; David A. Blumenthal, Reg. No. 26,257; Alan I. Cantor, Reg. No. 28,163; William T. Ellis, Reg. No. 26,874; John J. Feldhaus, Reg. No. 28,822; Patricia D. Granados, Reg. No. 33,683; John P. Isacson, Reg. No. 33,715; Michael D. Kaminski, Reg. No. 32,904; Kenneth E. Krosin, Reg. No. 25,735; Glenn Law, Reg. No. 34,371; Eugene M. Lee, Reg. No. 32,039; Richard Linn, Reg. No. 25,144; Peter G. Mack, Reg. No. 26,001; Brian J. McNamara, Reg. No. 32,789; Sybil Meloy, Reg. No. 22,749; Richard C. Peet, Reg. No. 35,792; George E. Quillin, Reg. No. 32,792; Colin G. Sandercock, Reg. No. 31,298; Bernhard D. Saxe, Reg. No. 28,665; Charles F. Schill, Reg. No. 27,590; Richard L. Schwaab, Reg. No. 25,479; Arthur Schwartz, Reg. No. 22,115; Harold C. Wegner, Reg. No. 25,258.

Address all correspondence to FOLEY & LARDNER, 3000 K Street, N.W., Suite 500, P.O. Box 25696, Washington, D.C. 20007-8696.
Address telephone communications to George E. Quillin at (202) 672-5300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | |
|---|--|------|
| Full Name of First or Sole Inventor <i>Josef Otto RETTENMAIER</i> | Signature of First or Sole Inventor | Date |
| Residence Address <i>Rosenberg, Federal Republic of Germany</i> | Country of Citizenship <i>Germany</i> | |
| Post Office Address <i>Wiesenweg 4, D-73494 Rosenberg, Federal Republic of Germany</i> | | |

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|------------------------------|------------------------------|------|
| Full Name of Second Inventor | Signature of Second Inventor | Date |
| Residence Address | Country of Citizenship | |
| Post Office Address | | |

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|-----------------------------|-----------------------------|------|
| Full Name of Third Inventor | Signature of Third Inventor | Date |
| Residence Address | Country of Citizenship | |
| Post Office Address | | |

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|------------------------------|------------------------------|------|
| Full Name of Fourth Inventor | Signature of Fourth Inventor | Date |
| Residence Address | Country of Citizenship | |
| Post Office Address | | |

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|-----------------------------|-----------------------------|------|
| Full Name of Fifth Inventor | Signature of Fifth Inventor | Date |
| Residence Address | Country of Citizenship | |
| Post Office Address | | |